

**ORIGINAL**

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MAY 28 2004

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

LUTHER D. THOMAS, Clerk  
By: *Whose*  
Deputy Clerk

-----X  
JOHN RAMSEY, PATSY RAMSEY and :  
BURKE RAMSEY, a minor, by his :  
next friends and natural parents, :  
JOHN RAMSEY and PATSY RAMSEY, :  
Plaintiffs, :  
CASE NO.: 1 03 CV-3976 (TWT)  
vs. :  
FOX NEWS NETWORK, L.L.C., d/b/a :  
Fox News Channel, :  
Defendant. :  
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**DEFENDANT'S INITIAL DISCLOSURES**

(1) If the defendant is improperly identified, state defendant's correct identification and state whether defendant will accept service of an amended summons and complaint reflecting the information furnished in this disclosure response.

Defendant Fox News Network, L.L.C. (the "Fox News Channel") is  
properly identified.

(2) Provide the names of any parties whom defendant contends are necessary parties to this action, but who have not been named by plaintiff. If defendant contends that there is a question of misjoinder of parties, provide the reasons for defendant's contention.

None.

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(3) Provide a detailed factual basis for the defense or defenses and any counterclaims or crossclaims asserted by defendant in the responsive pleading.

None of the complained-of statements, taken in context, could be construed as defamatory of any of the Plaintiffs. The News Report also included numerous facts that indicated Plaintiffs were not being accused of a crime, and therefore the News Report is not defamatory *per se*.

Further, Plaintiffs cannot maintain an action for *per quod* defamation because they failed to plead special damages. In fact Plaintiffs cannot show any damages.

In addition, the words complained of are substantially true.

Fox News Channel does not assert any counterclaims or crossclaims at this time.

(4) Describe in detail all statutes, codes, regulations, legal principles, standards and customs or usages, and illustrative case law which defendant contends are applicable to this action.

First Amendment to the United States Constitution;

Federal Rule of Civil Procedure 12(b)(6): Motion to dismiss standard;

Ga. Code Ann. § 9-11-9(g): Special damages pleading requirements;

Ga. Code Ann. § 51-5-1(a): Definition of libel;

Ga. Code Ann. § 51-5-4: Definition of slander;

Ga. Code Ann. § 51-5-10: Broadcasting stations' liability for defamation;

Ga. Code Ann. § 51-12-2(b): Definition of special damages;

Legal principles of defamation *per se* and defamation *per quod*;

Legal principles of public figures and applicable actual malice standard;

See also Memorandum of Law in Support of Defendant's Motion to Dismiss  
Plaintiffs' Amended Complaint for illustrative case law.

(5) Provide the name and, if known, the address and telephone number of each individual likely to have discoverable information that you may use to support your claims or defenses, unless solely for impeachment, identifying the subjects of the information. (Attach witness list to Initial Disclosures as Attachment A.)

A list of individuals likely to have discoverable information is annexed  
hereto as Attachment A.

(6) Provide the name of any person who may be used at trial to present evidence under Rules 702, 703, or 705 of the Federal Rules of Evidence. For all experts described in Fed.R.Civ.P. 26(a)(2)(B), provide a separate written report satisfying the provisions of that rule. (Attach expert witness list and written reports to Initial Disclosures as Attachment B.)

See Attachment B annexed hereto.

(7) Provide a copy of, or description by category and location of, all documents, data compilations, and tangible things in your possession, custody or control that you may use to support your claims or defenses unless solely for impeachment, identifying the subjects of the information. (Attach document list and descriptions to Initial Disclosures as Attachment C.)

A document list with accompanying descriptions is annexed hereto as  
Attachment C.

(8) In the space provided below, provide a computation of any category of damages claimed by you. In addition, include a copy of, or describe by category and location of, the documents or other evidentiary material, not privileged or protected from disclosure on which such computation is based, including materials bearing on the nature and extent of injuries suffered, making such documents or

evidentiary material available for inspection and copying under Fed.R.Civ.P. 34. (Attach any copies and descriptions to Initial Disclosures as Attachment D.)

See Attachment D annexed hereto.

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(9) If defendant contends that some other person or legal entity is, in whole or in part, liable to the plaintiff or defendant in this matter, state the full name, address and telephone number of such person or entity and describe in detail the basis of such liability.

Fox News Channel makes no such claim at this time.

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(10) Attach for inspection and copying as under Fed.R.Civ.P. 34 any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in this action or to indemnify or reimburse for payments to satisfy the judgment. (Attach copy of insurance agreement to Initial Disclosures as Attachment E.)

Fox News Channel will produce insurance agreements, with privileged  
information redacted, in which any person carrying on an insurance business  
may be liable to satisfy part or all of a judgment which may be entered in  
this action once the parties have entered into a protective order. As such,  
Fox News Channel has not included any such agreement as Attachment E.

Defendant Fox News Channel reserves the right to amend and supplement this disclosure as more information becomes available.

Dated: May 27, 2004

Respectfully Submitted,  
HOGAN & HARTSON L.L.P.



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Dori Ann Hanswirth  
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- and -

ALSTON & BIRD L.L.P.  
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*Counsel for Defendant*

**ATTACHMENT A**

The following persons are reasonably likely to have discoverable information that defendant Fox News Channel may use to support its defenses in the above-captioned action.

(1) Name: H. Ellis Armistead

Address: H. Ellis Armistead & Associates, LLC  
802 East 19th Ave  
Denver, CO 80218

Telephone: 303-825-2373

Subject: Various leads he independently pursued on behalf of the Plaintiffs shortly after JonBenét Ramsey's death, including his investigation of a possible intruder, among other topics.

(2) Name: Linda Arndt

Address: 655 Dahlia Way  
Louisville, CO 80027

Telephone: Currently unknown

Subject: Her role in the early stages of the investigation from the first day JonBenét was found, including evidence she collected, leads she pursued, suspects she explored, and any investigation she conducted regarding a possible intruder, among other topics.

(3) Name: Mark Beckner

Address: Boulder Police Department  
1805 33rd Street  
Boulder, Colorado 80301

Telephone: 303-441-3300

Subject: All stages of the investigation into JonBenét's death, including the search for evidence, the pursuit of leads, the interrogation of suspects and the investigation conducted regarding a possible intruder, among other topics.

(4) Name: Tom Bennett

Address: Boulder District Attorney's Office  
Boulder County Justice Center  
1777 Sixth Street  
Boulder, CO 80302

Telephone: 303-441-3700

Subject: Recent efforts in the investigation into JonBenét's death, including any additional evidence he has collected, any additional investigation of a possible intruder that he has conducted and any new leads that he has pursued, among other topics.

(5) Name: Damon Blick

Address: c/o Hogan & Hartson L.L.P.  
875 Third Avenue  
New York, New York 10022

Telephone: 212-918-3000

Subject: Involvement in the preparation of the News Report.

(6) Name: Kelly Burke

Address: c/o Hogan & Hartson L.L.P.  
875 Third Avenue  
New York, New York 10022

Telephone: 212-918-3000

Subject: *Involvement in the preparation of the News Report.*

(7) Name: John Eller

Address: 19640 SW 234 St  
Homestead, FL 33031

Telephone: 305-248-9547

Subject: Role in heading up the early investigation into JonBenét's death, including evidence that was collected, leads that were pursued, suspects who were interrogated and any investigation that was conducted regarding a possible intruder, among other topics.

(8) Name: Ron Gosage

Address: Boulder Police Department  
1805 33rd Street  
Boulder, Colorado 80301

Telephone: 303-441-3300

Subject: Ongoing investigation into JonBenét's death, including evidence that he has collected, leads he has pursued, suspects he has explored, and any investigation he has conducted regarding a possible intruder, among other topics.

(9) Name: Lloyd Gottschalk

Address: c/o Hogan & Hartson L.L.P.  
875 Third Avenue  
New York, New York 10022

Telephone: 212-918-3000

Subject: Involvement in the preparation of the News Report.

(10) Name: Ollie Gray

Address: 4230 Bromley Place  
Colorado Springs, CO 80906

Telephone: 719-527-1113

Subject: Various leads regarding JonBenét's death that he has recently and independently pursued on behalf of the Plaintiffs, including his investigation of a possible intruder, among other topics.

(11) Name: Thomas Haney

Address: Denver District Attorney's Office  
201 West Colfax Avenue, Dept. 801  
Denver, CO 80202

Telephone: 720-913-9124

Subject: Evidence, leads and the general investigation into JonBenét's death, among other topics, given his role as an interviewer of plaintiff Patsy Ramsey.

(12) Name: Jane Harmer

Address: Boulder Police Department  
1805 33rd Street  
Boulder, Colorado 80301

Telephone: 303-441-3300

Subject: Her role in the full breadth of the investigation into JonBenét's death, including any evidence she collected, leads she pursued, suspects she interrogated and investigation she conducted regarding a possible intruder, among other topics, given her role as one of the few law enforcement personnel who has been involved from the beginning of this case and who is still involved today.

(13) Name: Linda Hoffmann-Pugh

Address: Colorado

Telephone: Currently unknown

Subject: Details of the days leading up to JonBenét's death, including the location of material later collected as evidence, among other topics, as she was an employee of the Plaintiffs, working in their home right up until

JonBenét's death.

(14) Name: Alex Hunter

Address: 931 Gapter Road  
Boulder, CO 80303

Telephone: 303-499-7700

Subject: Each and every stage of the investigation into JonBenét's death while he served as Boulder District Attorney, given his knowledge of virtually every piece of evidence, lead, suspect and theory that arose during his tenure.

(15) Name: Michael Kane

Address: Pennsylvania

Telephone: 717-787-8211

Subject: All stages of the investigation into JonBenét's death including any evidence of a possible intruder, among other topics.

(16) Name: Mary Keenan

Address: Boulder District Attorney's Office  
Boulder County Justice Center  
1777 Sixth Street  
Boulder, CO 80302

Telephone: 303-441-3700

Subject: Certain stages of the investigation into JonBenét's death,

including evidence that has been collected, leads that have been pursued, suspects cleared and any investigation regarding a possible intruder that has been conducted while she has served as District Attorney.

(17) Name: Denis King

Address: c/o Hogan & Hartson L.L.P.  
875 Third Avenue  
New York, New York 10022

Telephone: 212-918-3000

Subject: Steps taken as Fox News Channel's Denver Bureau Chief in reviewing and approving drafts of the News Report.

(18) Name: Tom Koby

Address: Colorado

Telephone: Currently unknown

Subject: All stages of the investigation since the day JonBenét's body was found until his last day as Police Chief, including the search for evidence, the pursuit of leads, the interrogation of suspects and the investigation of various theories, including the possibility of an intruder, among other topics.

(19) Name: Dr. Henry Lee

Address: Connecticut Division of Scientific Services  
278 Colony Street  
Meriden, Connecticut 06451

Telephone: 203-639-6400

Subject: Forensic work related to the investigation of JonBenét's death, including evidence he has tested or analyzed, DNA analysis he has reviewed, fibers he has investigated, and any evidence he has studied regarding a possible intruder.

(20) Name: Pete Mang

Address: Colorado Bureau of Investigation  
690 Kipling Street  
Denver, CO 80215

Telephone: 303-239-4300

Subject: His ongoing role overseeing the forensic work in the JonBenét case, including evidence that has been tested, DNA analysis that has been conducted, fibers that have been investigated, handwriting analysis that has been completed and suspects who have been eliminated, among other topics.

(21) Name: Carol McKinley

Address: c/o Hogan & Hartson L.L.P.  
875 Third Avenue  
New York, New York 10022

Telephone: 212-918-3000

Subject: Information relating to steps taken to ascertain the truth of the statements contained in the News Report, including communications with Plaintiffs' counsel, information regarding past reports on the JonBenét case, and knowledge of the case in general.

(22) Name: Dr. John B. Meyer

Address: Boulder County Coroner's Office  
Boulder County Justice Center  
1777 Sixth Street  
Boulder, CO 80302

Telephone: 303-441-3535

Subject: His findings and conclusions regarding JonBenét's injuries and her cause of death as the doctor who completed the autopsy on JonBenét's body.

(23) Name: Mitch Morrissey

Address: Denver District Attorney's Office  
201 West Colfax Avenue, Dept. 801  
Denver, CO 80202

Telephone: 720-913-9000

Subject: All stages of the investigation into JonBenét's death, including any evidence of a possible intruder, among other topics.

- (24) Name: John Ramsey,
- Address: c/o L. LIN WOOD, P.C.  
The Equitable Building  
Suite 2140  
100 Peachtree Street  
Atlanta, Georgia 30303
- Telephone: 404-522-1713
- Subject: His personal involvement in the JonBenét case.
- (25) Name: Patsy Ramsey,
- Address: c/o L. LIN WOOD, P.C.  
The Equitable Building  
Suite 2140  
100 Peachtree Street  
Atlanta, Georgia 30303
- Telephone: 404-522-1713
- Subject: Her personal involvement in the JonBenét case.
- (26) Name: Burke Ramsey,
- Address: c/o L. LIN WOOD, P.C.  
The Equitable Building  
Suite 2140  
100 Peachtree Street  
Atlanta, Georgia 30303
- Telephone: 404-522-1713
- Subject: His personal involvement in the JonBenét case.

(27) Name: Lou Smit

Address: 303 North 23rd Street  
Colorado Springs, CO 80904

Telephone: 719-633-5178

Subject: Evidence that has been collected and the possibility of an intruder, among other topics related to the investigation of JonBenét's death.

(28) Name: Steve Thomas

Address: Steve Thomas BMW  
411 Daily Drive  
Camarillo, CA 93010

Telephone: 805-482-8878

Subject: His role in the full breadth of the investigation into JonBenét's death, including any evidence he collected, leads he pursued, suspects he interrogated and investigation he conducted regarding a possible intruder, among other topics.

(29) Name: Tom Trujillo

Address: Boulder Police Department  
1805 33rd Street  
Boulder, Colorado 80301

Telephone: 303-441-3300

Subject: His role in the full breadth of the investigation into JonBenét's death, including any evidence he collected, leads he pursued, suspects he

interrogated and investigation he conducted regarding a possible intruder, among other topics, given his role as one of the few law enforcement personnel who has been involved from the beginning of this case and who is still involved today.

(30) Name: Chet Ubowski

Address: Colorado Bureau of Investigation  
690 Kipling Street  
Denver, CO 80215

Telephone: 303-239-4300

Subject: Handwriting analysis performed on the ransom note found in the Plaintiffs' home, including all suspects eliminated as a result of this work, among other topics.

(31) Name: Carl W. Whiteside

Address: Florida

Telephone: Currently unknown

Subject: Forensic work related to the death of JonBenét conducted during his tenure at the Colorado Bureau of Investigation, including evidence that was tested, DNA analysis that was conducted, fibers that were investigated, handwriting analysis that was completed and any suspects who were eliminated, among other topics.

(32) Name: Tom Wickman

Address: Town of Frisco Police Department  
1 Main Street  
Frisco, CO 80443

Telephone: 970-668-3579

Subject: Evidence he collected, leads he pursued, suspects he interrogated and investigation he conducted, among other topics, during his involvement with the investigation regarding JonBenét's death from the beginning until his recent departure from the department.

(33) Name: L. Lin Wood

Address: L. LIN WOOD, P.C.  
The Equitable Building  
Suite 2140  
100 Peachtree Street  
Atlanta, Georgia 30303

Telephone: 404-522-1713

Subject: Interviews given to Fox News Channel reporter Carol McKinley, other past interaction with McKinley regarding the investigation into JonBenét's death, and his role in general regarding the investigation into JonBenét's death.

- (34) Name: Individual(s) who viewed the News Report.  
Address: Currently unknown  
Phone: Currently unknown  
Subject: Any potential damage to Plaintiffs' reputations.
- (35) Name: Individuals familiar with Plaintiffs' reputations.  
Address: Currently unknown  
Phone: Currently unknown  
Subject: Any potential damage to Plaintiffs' reputations.
- (36) Name: Various other individuals formerly involved in the investigation into the death of JonBenét.  
Address: Currently unknown  
Phone: Currently unknown  
Subject: Information regarding the allegations in the Complaint.

Defendant Fox News Channel reserves the right to amend and supplement this disclosure as more information becomes available.

**ATTACHMENT B**

The Fox News Channel has not yet selected any expert witnesses.

Defendant Fox News Channel reserves the right to amend and supplement this disclosure as more information becomes available.

### **ATTACHMENT C**

The following categories of non-privileged documents, data compilations and tangible things are in the possession, custody, or control of the Fox News Channel and may be used by the Fox News Channel to support its defenses in the above-captioned action:

- (1) Non-privileged notes taken by McKinley in connection with research for the News Report;
- (2) Non-privileged communications between McKinley and sources for the News Report;
- (3) Other articles and news reports regarding JonBenét's death reported on by McKinley;
- (4) Other articles and news reports regarding JonBenét's death from various news outlets;
- (5) Other documents and materials in the possession of McKinley and/or Fox News Channel regarding JonBenét's death and the investigation thereof;
- (6) Drafts of the News Report;
- (7) Videotapes of the News Report;
- (8) Correspondence between counsel for Plaintiffs and McKinley; and

(9) Non-privileged correspondence between counsel for Plaintiffs and Fox News Channel concerning Plaintiffs' potential claim.

Defendant Fox News Channel reserves the right to amend and supplement this disclosure as more information becomes available.

**ATTACHMENT D**

Defendant Fox News Channel makes no claim for damages and thus has no computation of damages.

Defendant Fox News Channel reserves the right to amend and supplement this disclosure as this matter progresses.

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

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JOHN RAMSEY, PATSY RAMSEY and :  
BURKE RAMSEY, a minor, by his :  
next friends and natural parents, :  
JOHN RAMSEY and PATSY RAMSEY, : CASE NO.: 1 03 CV-3976 (TWT)  
Plaintiffs, :  
vs. :  
FOX NEWS NETWORK, L.L.C., d/b/a :  
Fox News Channel, :  
Defendant. :  
-----X

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true and correct copy of the within and foregoing **DEFENDANT'S INITIAL DISCLOSURES** by depositing same in the United States Mail in an envelope with adequate postage affixed thereon, properly addressed as follows:

L. Lin Wood  
L. LIN WOOD, P.C.  
The Equitable Building  
Suite 2140  
100 Peachtree Street  
Atlanta, Georgia 30303

This 28th day of May, 2004.

  
\_\_\_\_\_  
Jennifer (Jenna) L. Moore  
Georgia Bar No. 519729